

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

REBECCA HARPER, et al.,

Plaintiffs,

v.

REPRESENTATIVE DAVID R. LEWIS,  
in his official capacity as Senior Chairman of  
the House Select Committee on Redistricting,  
et al.,

Defendants.

Civil Action No. 5:19-CV-00452-FL

**AFFIDAVIT OF R. STANTON JONES**

I, R. Stanton Jones, do hereby swear and affirm as follows:

1. I am a duly-licensed attorney practicing in the District of Columbia. I entered a notice of special appearance as one of the attorneys representing Plaintiffs in the above-captioned matter, in association with Local Civil Rule 83.1(d) counsel, Narendra K. Ghosh, Burton Craige, and Paul E. Smith. I respectfully submit this affidavit in support of Plaintiffs' application for an award of attorneys' fees and costs in connection with Legislative Defendants' removal of this action. I have personal knowledge of the matters testified to herein.

2. I am a partner with the law firm Arnold & Porter Kaye Scholer LLP. I graduated *magna cum laude* from Georgetown University Law Center in 2007 and have been practicing law in the District of Columbia since that time. My practice focuses on complex questions of constitutional, statutory, and international law. I have extensive experience in voting-rights cases, including two other partisan gerrymandering cases challenging redistricting maps under state constitutions: *Common Cause v. Lewis*, No. 18-CVS-014001, 2019 WL 4569584 (N.C.

Super. Ct. Sept. 3, 2019), and *League of Women Voters v. Commonwealth of Pennsylvania*, 178 A.3d 737 (Pa. 2018). I have also participated in a number of voting rights cases, including the successful challenge to Pennsylvania's Voter ID law, *Applewhite v. Commonwealth*, 2014 WL 2619590 (Pa. Commw. Ct. Apr. 28, 2014), and the successful application for an emergency stay from the U.S. Supreme Court blocking Wisconsin's Voter ID law before the November 2014 elections, *Frank v. Walker*, 135 S. Ct. 7 (2014). Within the last year, my appellate work was recognized by *The Legal 500 U.S.*, and I was named as a "Rising Star" by *Law360* and a "DC Rising Star" by *The National Law Journal*. I have also taught Appellate Advocacy as an adjunct professor at Georgetown University Law Center. For the purposes of this motion, Plaintiffs are seeking reimbursement for my time at an hourly rate of \$500, consistent with the prevailing market rate for someone with my skills and experience. My normal billing rate is \$940 per hour.

3. Elisabeth S. Theodore is also a partner at Arnold & Porter Kaye Scholer LLP. Ms. Theodore graduated *magna cum laude* from Harvard Law School in 2009. After clerking on the U.S. Court of Appeals for the District of Columbia Circuit and the United States Supreme Court, Ms. Theodore served as special counsel to the Director of the Federal Bureau of Investigation. Ms. Theodore's practice focuses on appellate and complex civil litigation. She has extensive experience in voting-rights cases, including two other partisan gerrymandering cases challenging redistricting maps under state constitutions: *Common Cause v. Lewis* and *League of Women Voters v. Commonwealth of Pennsylvania*. Within the last year, Ms. Theodore's appellate work was recognized by *The Legal 500 U.S.* For the purposes of this motion, Plaintiffs are seeking reimbursement for Ms. Theodore's time at an hourly rate of \$500, consistent with the prevailing market rate for someone with her skills and experience. Ms. Theodore's normal billing rate is \$920 per hour.

4. Daniel F. Jacobson is a senior associate at Arnold & Porter Kaye Scholer LLP. Mr. Jacobson graduated *magna cum laude* from Harvard Law School in 2011. Mr. Jacobson clerked for the U.S. District Court for the Southern District of New York and the U.S. Court of Appeals for the Ninth Circuit, and spent two years working in the Office of the White House Counsel. Since rejoining the firm in 2017, Mr. Jacobson has focused his practice on appellate and complex civil litigation. He has extensive experience litigating voting-rights cases, including two other partisan gerrymandering cases challenging redistricting maps under state constitutions: *Common Cause v. Lewis* and *League of Women Voters v. Commonwealth of Pennsylvania*. For the purposes of this motion, Plaintiffs are seeking reimbursement for Mr. Jacobson's time at an hourly rate of \$400, consistent with the prevailing market rate for someone with his skills and experience. Mr. Jacobson's normal billing rate is \$855 per hour.

5. William C. Perdue is a senior associate at Arnold & Porter Kaye Scholer LLP. Mr. Perdue graduated from Yale Law School in 2011. Mr. Perdue has clerked for the U.S. District Court for the Southern District of New York, the Second Circuit, and the U.S. Supreme Court. Mr. Perdue focuses his practice on appellate and complex civil litigation and participated in litigating *Common Cause v. Lewis*. For the purposes of this motion, Plaintiffs are seeking reimbursement for Mr. Perdue's time at an hourly rate of \$400, consistent with the prevailing market rate for someone with his skills and experience. Mr. Perdue's normal billing rate is \$855 per hour.

6. The other primary Arnold & Porter attorneys working on this matter are associates Graham White and Sara Murphy D'Amico. Mr. White graduated from Yale Law School in 2016 and clerked for the U.S. District Court for the District of Columbia and the U.S. Court of Appeals for the District of Columbia Circuit. Mr. White focuses his practice on

complex civil matters before appellate courts. Ms. D'Amico graduated from Harvard Law School in 2016 and clerked for the District of Columbia Court of Appeals. Ms. D'Amico has participated in litigating two other partisan gerrymandering cases challenging redistricting maps under state constitutions: *Common Cause v. Lewis* and *League of Women Voters v. Commonwealth of Pennsylvania*. For the purposes of this motion, Plaintiffs are seeking reimbursement for Mr. White's time at an hourly rate of \$300, and Ms. D'Amico's time at an hourly rate of \$300, consistent with the prevailing market rate for someone with their skills and experience. Mr. White's normal billing rate is \$630 per hour, and Ms. D'Amico's normal billing rate is \$565 per hour.

7. I have reviewed our firm's billing records associated with Legislative Defendants' removal, and they are consistent with my recollection of the work performed by each of the attorneys listed therein. These billing records were recorded contemporaneously in Arnold & Porter's internal time and expense reporting system. The tasks counsel undertook in connection with the removal for which Plaintiffs seek reimbursement include researching, drafting, and revising an emergency motion to remand the case; researching, drafting, and revising this motion for fees and costs; and preparing this Affidavit and compiling supporting documentation. Counsel incurred additional time in the preparation of the present motion for fees and costs. A detailed summary of time spent on activities related to Legislative Defendants' removal and related costs incurred is attached as Exhibit A.

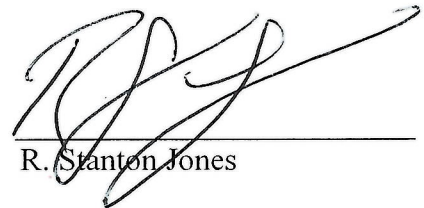
8. In an effort to be conservative, I have limited the time for which we are seeking fees hereby omitting the time that multiple attorneys devoted to reviewing Legislative Defendants' notice of removal and opposition to Plaintiffs' motion to remand, although such

review was essential to the filing of the emergency motion to remand, the decision not to submit a reply brief, and to Plaintiffs' motion for fees and costs.

9. I have reviewed the time entries in Exhibit A and have determined that all time spent was reasonably necessary to obtain the result that the Plaintiffs received following Legislative Defendants' removal and to draft this motion seeking reimbursement for attorneys' fees and costs under 28 U.S.C. § 1447(c).

10. Plaintiffs respectfully request that the Court order Legislative Defendants to pay Arnold & Porter Kaye Scholer LLP a total of \$26,520, consisting of attorneys' fees and costs, for our work relating to Plaintiffs' emergency motion to remand and this motion for fees and costs under 28 U.S.C. § 1447(c).

Respectfully submitted this the 25th day of November, 2019.

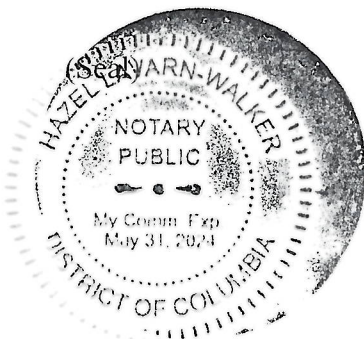


R. Stanton Jones

*Attorney for Plaintiffs*

District of Columbia

Signed and sworn to (or affirmed) before me on 11.25.2019 (date) by R. Stanton Jones  
(name of person making statement).



Hazel Lavarn-Walker  
Signature of Notarial Officer  
Title (and Rank)  
My Commission Expires:  
May 31, 2024

# EXHIBIT A

**Arnold & Porter Kaye Scholer LLP Attorney Hours**

<b>Date</b>	<b>TKPR Name</b>	<b>DC Rate</b>	<b>NC Rate</b>	<b>Billable Hours</b>	<b>Total Billable Amt</b>	<b>Narrative</b>
10/14/2019	White, Graham	\$630.00	\$300.00	3	\$900.00	Research for remand motion.
10/14/2019	Jacobson, Daniel	\$855.00	\$400.00	5.6	\$2,240.00	Draft motion to remand.
10/14/2019	D'Amico, Sara K.	\$565.00	\$300.00	2.8	\$840.00	Conduct research regarding recent refusal clause removal cases and attorney fees jurisdiction; review and respond to emails regarding motion for remand; review Legislative Defendants' notice of removal.
10/14/2019	Theodore, Elisabeth S.	\$920.00	\$500.00	7	\$3,500.00	Draft emergency remand motion.
10/14/2019	Jones, R. S.	\$940.00	\$500.00	2.5	\$1,250.00	Review and analyze notice of removal; draft and revise emergency motion to remand; revise notice of related cases.
10/15/2019	Jacobson, Daniel	\$855.00	\$400.00	3	\$1,200.00	Draft motion to remand.
10/15/2019	White, Graham	\$630.00	\$300.00	3	\$900.00	Review and cite check motion to remand.
10/15/2019	D'Amico, Sara K.	\$565.00	\$300.00	4.3	\$1,290.00	Review notice of related case and response to notice of related case; cite-check and proof emergency motion to remand; prepare documents for attorney appearances in federal court; review and respond to emails regarding same.



10/15/2019	Perdue, William	\$855.00	\$400.00	0.7	\$280.00	Research local rules re related cases; correspond with team re same.
10/15/2019	Jones, R. S.	\$940.00	\$500.00	2.5	\$1,250.00	Revise and finalize emergency motion to remand.
10/15/2019	Theodore, Elisabeth S.	\$920.00	\$500.00	6.4	\$3,200.00	Work on emergency remand papers.
10/21/2019	Jacobson, Daniel	\$855.00	\$400.00	1.4	\$560.00	Review oppositions to motion to remand; draft notice to court.
10/21/2019	Jones, R. S.	\$940.00	\$500.00	0.5	\$250.00	Review and analyze Legislative Defendants' remand opposition; draft notice waiving reply.
10/21/2019	Theodore, Elisabeth S.	\$920.00	\$500.00	0.8	\$400.00	Review response to remand motion and work on notice re: no reply.
10/25/2019	White, Graham	\$630.00	\$300.00	3.2	\$960.00	Review sample briefs addressing fees and costs under 28 U.S.C. 1447(c) and related research.
10/27/2019	D'Amico, Sara K.	\$565.00	\$300.00	1.4	\$420.00	Conduct research on bad faith as a factor in awarding fees and costs under 1447(c) in the 4th Circuit; start drafting 1447(c) motion for fees and costs.
10/28/2019	D'Amico, Sara K.	\$565.00	\$300.00	3.2	\$960.00	Draft motion for fees and costs; conduct research regarding standards for calculating lodestar amounts in the Fourth Circuit.
10/29/2019	White, Graham	\$630.00	\$300.00	1.5	\$450.00	Research Fourth Circuit cases on attorney fees under 1447(c).

10/29/2019	D'Amico, Sara K.	\$565.00	\$300.00	4.2	\$1,260.00	Continue drafting motion for fees and costs; conduct research regarding factors employed in assessing reasonableness of fees in the Fourth Circuit.
10/30/2019	White, Graham	\$630.00	\$300.00	8.2	\$2,460.00	Draft and revise motion for fees and costs; conduct related research.
10/30/2019	D'Amico, Sara K.	\$565.00	\$300.00	4.6	\$1,380.00	Continue drafting motion for fees and costs; conduct research regarding application of reasonableness test in the Fourth Circuit; review and respond to emails regarding motion and fee calculation.
10/31/2019	D'Amico, Sara K.	\$565.00	\$300.00	1.9	\$570.00	Draft affidavits supporting motion for fees and costs.
				<b>71.7</b>	<b>\$26,520.00</b>	

**Arnold & Porter Kaye Scholer LLP Research Costs**

Disbursement ID	Date	Cost Code	Cost Description	Total Billed Amt
27580690	10/14/2019	147	Westlaw Research	\$157.30
27580688	10/15/2019	147	Westlaw Research	\$99.00
27580691	10/17/2019	147	Westlaw Research	\$157.30
27580692	10/22/2019	147	Westlaw Research	\$157.30
27580684	10/27/2019	147	Westlaw Research	\$78.65
27580679	10/28/2019	147	Westlaw Research	\$19.80
27580695	10/28/2019	147	Westlaw Research	\$297.00

27643780	10/29/2019	147	Westlaw Research	\$78.65
27643781	10/29/2019	147	Westlaw Research	\$78.65
27643782	10/29/2019	147	Westlaw Research	\$99.00
27643783	10/30/2019	147	Westlaw Research	\$99.00
27643785	10/30/2019	147	Westlaw Research	\$157.30
27643787	10/30/2019	147	Westlaw Research	\$224.40
27643788	10/30/2019	147	Westlaw Research	\$235.95
				<b>\$1,939.30</b>